

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Robert G. Taub, Vice Chairman;
Mark Acton;
Tony Hammond; and
Nanci E. Langley

Competitive Product Prices
Priority Mail Contract 27 (MC2010-32)
Negotiated Service Agreement

Docket No. CP2010-77

ORDER GRANTING MOTION FOR TEMPORARY RELIEF

(Issued August 1, 2013)

The negotiated service agreement approved in this proceeding (Existing Agreement) is set to expire August 6, 2013.¹ The Postal Service requests that the Commission grant a 60-day extension to allow the Existing Agreement to remain in effect while the parties negotiate a successor agreement.

The Postal Service represents that the parties have been working to reach a new agreement, but due to extenuating circumstances, have not yet agreed on a successor agreement's terms and conditions. *Id.* at 1-2. The Postal Service requests that the

¹ See Motion of the United States Postal Service for Temporary Relief, July 31, 2013 (Motion).

terms and conditions of the Existing Agreement be extended to ensure continuity of negotiated rates. *Id.* at 2.

The Commission has repeatedly stated that motions for temporary extensions of an agreement should be filed at least one week prior to the agreement's expiration date absent compelling circumstances.² The Commission has previously emphasized that "[t]he date on which contracts are scheduled to expire is known." Order No. 1523 at 2. The Postal Service fails to acknowledge the Motion's late filing or address the compelling circumstances that have contributed to its lateness. The Postal Service only represents that a new agreement has not been reached due to extenuating circumstances. Motion at 1-2.

The Motion is granted. In the future, the Postal Service shall take the care to explain the compelling circumstances that made it unable to file a motion for temporary relief at least 7 days prior to an agreement's expiration date. Failure to do so may compromise the Commission's ability to act prior to the contract's expiration.

It is ordered:

1. The Motion of the United States Postal Service for Temporary Relief, filed July 31, 2013, is granted.
2. The Existing Agreement is authorized to continue through October 5, 2013.

By the Commission.

Ruth Ann Abrams
Acting Secretary

² See Docket No. CP2009-38, Order Granting Motion for Temporary Relief and Providing Guidance Regarding Future Motions for Temporary Relief, November 1, 2012, at 2 (Order No. 1523). See *also* Docket Nos. MC2013-47 and CP2013-61, Order No. 1712, Order Adding Priority Mail Contract 58 to the Competitive Product List, May 9, 2013, at 5; Docket No. CP2009-38, Order No. 1565, Order Granting Emergency Motion of the United States Postal Service for Temporary Relief, December 5, 2012, at 2.